

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAMELA POSTLEWAITE,

Plaintiff(s),

No. C 11-4563 PJH

V.

ORDER TO SHOW CAUSE

WELLS FARGO, NDEX WEST LLC,

Defendant(s).

1

This case was removed to this court on September 14, 2011, and defendant Wells Fargo moved to dismiss the complaint on September 20, 2011. Plaintiff did not file an opposition to Wells Fargo's motion, nor did she appear at the hearing on the motion, although it appears that she was represented by counsel in state court. The motion was granted and judgment was entered for Wells Fargo on November 14, 2011. With regard to NDEX West, the notice of removal describes NDEX West as a nominal defendant against whom no affirmative relief was sought. Nonetheless, the notice of removal does append a certificate of service showing proof of service of the summons and complaint on NDEX West before removal.

By order filed October 4, 2011, a case management conference was scheduled for January 12, 2012. No appearance was made by either party. Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE why this complaint as to remaining defendant NDEX West should not be dismissed for failure to prosecute. A hearing on the order to show cause is set for **January 26, 2012 at 2:00 p.m.** If plaintiff fails to appear again, the case will be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). If plaintiff fails to appear, the case shall be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: January 13, 2012


PHYLLOIS J. HAMILTON
United States District Judge